

**BEFORE THE
PUBLIC SERVICE COMMISSION
OF SOUTH CAROLINA**

Docket No.: 2005-13-W/S

IN THE MATTER OF:)	
)	THE VILLAS AT WYBOO PROPERTY
Application of Wyboo Plantation)	OWNERS ASSOCIATION'S
Utilities, Inc. for Adjustment of Rates)	PROPOSED ORDER ON WYBOO
and Charges for the Provision of Water)	PLANTATION UTILITIES, INC.'S
and Sewer Services)	APPLICATION FOR ADJUSTMENT
)	OF RATES AND CHARGE
)	

INTRODUCTION

This matter comes before The Public Service Commission of South Carolina ("the Commission") on an application of Wyboo Plantation Utilities, Inc. ("Wyboo Utilities") seeking a new schedule of rates and charges for water and sewer service for its customers in Clarendon County and Sumter County, South Carolina. Wyboo Utilities' application was filed pursuant to S.C. Code Ann. § 58-5-210 (et. seq.) and 26 S.C. Regs. 103-512. Wyboo Utilities' application was filed on August 17, 2006.

The Villas at Wyboo Property Owners Association ("The Villas") intervened in this matter. The Wyboo Plantation Owners Association, Inc. also intervened in this matter.

The Office of Regulatory Staff reviewed Wyboo Utilities' books and records, and gathered other detailed information concerning Wyboo Utilities' operations. The Commission staff also reviewed Wyboo Utilities' financial and operational information. On October 30, 2006, at 6:00 p.m., a public hearing was held in Manning, South Carolina in the Clarendon County Courthouse. All commissioners were present at the hearing. Also present

at the hearing were customers of Wyboo Utilities, who expressed certain opinions regarding Wyboo Utilities' Application and customer service.

On January 22-24, 2007, beginning at 10:30 a.m., a public hearing concerning the matters asserted in Wyboo Utilities' Application was held in the Commission's hearing room located at Synergy Business Park, 101 Executive Center Drive, Columbia, South Carolina. The Full Commission, with Chairman O'Neil Hamilton presiding, heard the matter concerning Wyboo Utilities' Application. John F. Beach, Esquire, represented Wyboo Utilities. Lessie Hammonds, Esquire and Wendy Cartledge, Esquire represented the Office of Regulatory Staff. Charles H. Cook, Esquire and Scott Elliott, Esquire represented the Wyboo Plantation Owners Association, Inc. Robert E. Tyson, Jr. represented The Villas. Randal Dong, Esquire served as legal counsel to the Commission.

Wyboo Utilities presented the testimony of Mark Wrigley, President of Wyboo Utilities; Willie J. Morgan, Program Manager for the Office of Regulatory Staff, Water and Waste Water Department; Christina L. Seale; and Douglas H. Carlisle, Jr. The Office of Regulatory Staff presented the testimony of Robert A. Sternberg. The Wyboo Plantation Owners Association presented the testimony of Daniel L. McDonald, Dwight D. Samuels, and Leo C. Gallagher.

The Villas and Wyboo Utilities entered into a Stipulation concerning an agreement entered into between The Villas and Wyboo Utilities. ORS and Wyboo Plantation Owners did not oppose said stipulation.

BACKGROUND AND PROCEDURAL MATTERS

Wyboo Utilities is a privately owned company operating a water system and waste water system in Sumter County and Clarendon County. At the time of its Application,

Wyboo Utilities provided water and waste water services to approximately 500 residential customers and commercial customers. Mark Wrigley is the owner of Wyboo Utilities.

FINDINGS OF FACT AND SUPPORTING EVIDENCE

After thorough consideration of the entire record in the Wyboo Utilities hearing, including the testimony and all exhibits, and applicable law, the Commission makes the following findings of fact and conclusions of law with respect to Wyboo Utilities:

1. Wyboo Utilities is a privately owned company operating a water and sewer system in Sumter County and Clarendon County, and is subject to the jurisdiction of the Commission pursuant to S.C. Code Ann. § 58-5-10 (et. seq.).

2. The evidence supporting this finding is contained in the Application filed by Wyboo Utilities, and the testimony of Wyboo Utilities' witness, Mark Wrigley, and in prior Commission Orders in the docket files of the Commission, of which the Commission takes judicial notice. By filing its Application, Wyboo Utilities admits it is a public utility within the meaning of S.C. Code Ann. § 58-5-10 and submits itself to the jurisdiction of the Commission.

3. The evidence at the hearing supports the Stipulation between The Villas and Wyboo Utilities.

4. The Villas and Wyboo Utilities have determined that their interests and the public interests are best served by the terms and conditions of the Stipulation set forth below.

5. The Stipulation is based on the Villa's current usage patterns. In case the Villa's usage pattern significantly changes, Wyboo Utilities has the ability to make changes in the Single Family Equivalent ratio as applied to the Villas. Wyboo Utilities will inform

the Villas of such SFE modification. If the Villas objects to such modification, the Villas may present its objections to the Commission.

6. The Stipulation is supported by the direct testimony of John E. McDavid entered into the record.

7. The Villas and Wyboo Utilities agree to abide by whatever rates and terms and conditions the Commission hereby establishes.

8. For the accounts listed in the Application for The Villas, the following terms apply:

- a. Sales Office. The Commission approved commercial rate per 1 Single Family Equivalent (hereinafter “SFE”) per month.
- b. The Villas (12 Units). The Commission approved commercial rate at 1 SFE per month.
- c. Laundry (2 Units) and Laundry – Coin Operated. These two accounts should be joined and not listed individually. The Commission approved commercial rate at 1 SFE per month for only water services. No sewer fee should be charged since the Laundries are not on the Wyboo Utilities system.
- d. Pool with showers and rest rooms. The commercial approved rate for water at 1 SFE. No sewer fee should be charged since the pool is not on the Wyboo Utilities system. No water fee shall be charged when the Pool is not operating. The Villas shall inform Wyboo Utilities of these times.
- e. Assembly Hall. The Commission approved commercial rate at 1 ½ SFEs per month.
- f. House (Manager’s Residence). The Commission approved residential rate. This is not a commercial unit; therefore, it should be charged a residential rate.

9. In support of the Stipulation, Mr. McDavid testified he has been involved with The Villas since the beginning of construction. He and his wife each own one of the original eight villas. A villa is a four bedroom cottage with central living room and

efficiency kitchen. The villas are independently owned by five different entities. Each villa is managed by a real estate property management company, which is governed by the real estate laws of South Carolina. All income flows through a rental escrow account. There are twelve units at The Villas. Mr. McDavid owns seven units through a wholly owned company named FCMcJohn, Inc. Mr. McDavid's wife owns two units, and Mr. McDavid owns one unit through D&J Developers, LLC. (The Villas' witness McDavid Direct Testimony, p. 1-2; Hearing Exhibit No. 2.)

10. Mr. McDavid testified that for a development such as Wyboo Plantation to be successful, there must be a reliable and affordable water and sewer system. Currently, sewer rates for The Villas are \$20.00 per month, per unit is the current rate which totals \$2,880.00 per year, and water rates are \$18.00 is the current rate which the Application provides as \$2,592.00 per year. The increase which was proposed by Wyboo Utilities amounts to a 666% increase in both water and sewer charges. (The Villas' witness McDavid Direct Testimony, p. 3-6; Hearing Exhibit No. 2.)

IT IS THEREFORE ORDERED THAT:

1. The terms and conditions of the Stipulation attached hereto as **Exhibit ____** are hereby approved for service rendered on or after the date of this Order.
2. This Order shall remain in full force and effect until further Order of the Commission.

Signature page follows

BY ORDER OF THE COMMISSION

G. O'Neal Hamilton, Chairman

ATTEST:

C. Robert Moseley, Vice Chairman

(Seal)